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STATE OF LOUISIANA

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DEPARTMENT OF ENVIRONMENTAL QUALITY

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IN RE:

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EVIDENTIARY HEARING FOR HAZARDOUS WASTE PERMIT
APPLICATION

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CYTEC INDUSTRIES/FORTIER MANUFACTURING COMPLEX

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AGENCY INTEREST NUMBER 1357,
PERMIT NUMBER LAD 008175390, AND
ACTIVITY NUMBER PER19980002

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The Public Hearing held by the Department of
Environmental Quality, Office of Environmental
Services, Permits Division, at the Galvez
Building, Natchez Room, 602 N. Fifth Street,
Baton Rouge, Louisiana, beginning at 10:04 a.m.,
on April 12, 2007.

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BEFORE: Lori B. Overland
Certified Court Reporter
In and For the State of
Louisiana

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A P P E A R A N C E S

FOR THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL
QUALITY:

BY: JAY L. GLORIOSO, Esq.
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FOR CYTEC INDUSTRIES:

KEAN, MILLER, HAWTHORNE, D'ARMOND,
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BY: MAUREEN N. HARBOURT, ESQ.

PRESIDING OFFICER:

CLIFTON O. BINGHAM, JR., ESQ.
Oats & Hudson
343 3rd Street
Suite 550
Baton Rouge, Louisiana 70801

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5	EXHIBITS:
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7	Presiding Officer 1 sign-in sheet for April 12,
8	2007 evidentiary hearing
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10	Exhibit A sign-in sheet for April 5, 2007
11	prehearing conference
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13	Exhibit B transcript from April 5, 2007
14	evidentiary hearing
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16	Exhibit C CD including Exhibit A, Exhibit B,
17	prehearing attendance sheet, maps, et cetera, in
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MR. BINGHAM:

My time is -- our clock time is about 10:04 on this 12th day of April 2007. This is a 709 evidentiary hearing, public hearing, in reference to Cytec Industries/Fortier Manufacturing Complex permit application. Agency interest number is 1357. EPA number is 008175390. This hearing is being conducted at the Galvez Building in the Natchez Room C609, North 5th Street, Baton Rouge, Louisiana, under the authority of the Louisiana Administrative Code Title 33 Part V, Section 709 and pursuant to public notice previously issued herein. Would the representatives or the applicant please make their appearance.

MS. HARBOURT:

Yes. My name is Maureen Harbourt with Kean, Miller Law Firm, representing Cytec Industries.

MR. BINGHAM:

Okay, and DEQ?

MR. GLORIOSO:

And I'm Jay Glorioso, representing

1 DEQ.

2 MR. BINGHAM:

3 For the record, my name is Clifton
4 Bingham. I'm a practicing attorney here in
5 Baton Rouge, Louisiana. I've been
6 practicing for over 30 years and I've been
7 appointed, or hired by, the Department of
8 Environmental Quality to act as the
9 presiding officer in this evidentiary
10 hearing.

11 Is there any interested person or
12 party in the room, or is there any
13 intervenor in the room?

14 (No response.)

15 MR. BINGHAM:

16 Okay. Let the record reflect that I
17 have received no response from my inquiry.
18 I would ask that anybody present sign the
19 sign-in sheet, which will be made a part of
20 the record of these proceedings. The
21 purpose of this hearing is to allow any
22 qualified intervenors or interested parties
23 to submit facts, documents, testimony,
24 pleadings in reference to the hazardous
25 waste permit renewal application and to make

1 a record of these proceedings to be
2 submitted to the Department for its
3 consideration in the permit decision
4 process. As presiding officer of this
5 hearing, I will not make any findings of
6 fact, draw any conclusions of law, nor
7 render any decisions on the merits of the
8 permit application. My authority will
9 terminate once this evidentiary hearing is
10 completed and the record thereof is
11 submitted to the Department.

12 Does anyone have a different
13 understanding of the purpose of this
14 evidentiary hearing or my authority as
15 presiding officer?

16 (No response.)

17 MR. BINGHAM:

18 Hearing none, is Clean Harbors ready
19 to proceed?

20 MS. HARBOUR:

21 Not Clean Harbors.

22 MR. BINGHAM:

23 I'm sorry. Is Cytec ready to proceed?

24 MS. HARBOUR:

25 Yes, Your Honor.

1 MR. BINGHAM:

2 Okay. Is DEQ ready to proceed?

3 MR. GLORIOSO:

4 Yes, Your Honor, we are.

5 MR. BINGHAM:

6 Okay. The parties may proceed.

7 MR. GLORIOSO:

8 Your Honor, I want to enter into the
9 record three exhibits, the first of which,
10 being the attendance sheet from the
11 prehearing which we had last week on
12 Thursday, April 5, 2007, at the Jefferson
13 Parish Library, the Westwego Branch, with
14 the reporter being Stephanie Lacoste
15 Rodriguez. I'd like to mark that as
16 "Exhibit A".

17 MS. HARBOUR:

18 That's fine.

19 MR. GLORIOSO:

20 As "Exhibit B", I would like to enter
21 into a hard copy of the record that was
22 taken by Ms. Rodriguez, the court reporter,
23 on that same date, at that prehearing. I'd
24 like to enter that as "Exhibit B". It's
25 going to be a hard copy of that. And,

1 finally, Your Honor, as "Exhibit C", I'd
2 like to re-enter -- it's basically an in
3 globo submission which re-enters "Exhibit A"
4 and "Exhibit B" of the prehearing last week,
5 as well as the attendance sheet from the
6 prehearing last week. It also includes the
7 maps and the court reporter's transcript and
8 all the permit application associated
9 documents and information, and I'd like to
10 make that "Exhibit C".

11 MR. BINGHAM:

12 Is there any objection to any of the
13 exhibits?

14 MS. HARBOURT:

15 No, sir.

16 MR. BINGHAM:

17 Let the exhibits be admitted.

18 (The documents were marked for
19 identification as "Exhibit A", "Exhibit B"
20 and "Exhibit C", in globo, and attached to
21 the transcript.)

22 MR. BINGHAM:

23 Let me ask this, is Clean Harbors
24 aware --

25 MS. HARBOURT:

1 Cytec.

2 MR. BINGHAM:

3 -- Cytec aware of any intervener or
4 interested person in this proceeding?

5 MS. HARBOURT:

6 No, sir.

7 MR. BINGHAM:

8 Is DEQ aware of any interested party
9 or intervener?

10 MR. GLORIOSO:

11 No, Your Honor.

12 MR. BINGHAM:

13 Would either party want to make an
14 opening statement?

15 MS. HARBOURT:

16 Your Honor, this is Maureen Harbourt.
17 I'm not sure when you read the information
18 on the hearing room. I may have heard it
19 wrong but I just wanted to make sure we have
20 that clear for the record. The public
21 notice state that the -- today's hearing is
22 in the Natchez Room, Room C-109.

23 MR. BINGHAM:

24 109.

25 MS. HARBOURT:

1 And I'm not sure if you said 109 or
2 609.

3 MR. BINGHAM:

4 That's correct.

5 MS. HARBOUR:

6 I don't have a preliminary statement
7 but I would like to call one witness to give
8 brief testimony on behalf of Cytec
9 Industries.

10 MR. BINGHAM:

11 Would the State like to make any
12 opening statement?

13 MR. GLORIOSO:

14 No, Your Honor, we don't have anything
15 to open.

16 MR. BINGHAM:

17 Call your witness.

18 MS. HARBOUR:

19 At this time, I'd like to call Mr.
20 Robert S. White as a witness.

21 MR. BINGHAM:

22 Proceed.

23 MS. HARBOUR:

24 Do you need to swear him in or
25 anything?

1 MR. BINGHAM:

2 Would the court reporter swear him in,
3 please.

4 * * * * *

5 ROBERT SAMUEL WHITE

6 having been first duly sworn

7 testified as follows:

8 E X A M I N A T I O N

9 BY MS. HARBOUR:

10 Q. Mr. White, would you state your full
11 name for the record, please.

12 A. Robert Samuel White.

13 Q. And would you state your -- you're
14 currently employed by Cytec Industries, correct?

15 A. Yes, I am.

16 Q. And how long have you been with Cytec?

17 A. I've been 34 years with Cytec and its
18 predecessor, American Cyanamid and 26 years at
19 the Fortier Site.

20 Q. Okay, and could you briefly describe
21 what your job title is and what your job
22 responsibilities currently.

23 A. I am environmental health and safety
24 manager. I supervise all the regulatory
25 activities, reporting and such, and we also have

1 activities to improve environmental performance
2 and try and reduce accidents.

3 Q. Tell us, in general, what type of
4 business Cytec conducts at -- currently conducts
5 at the Fortier Plant.

6 A. We own a melamine plant, an
7 acrylonitrile plant and a sulfuric acid plant.

8 Q. And how long has the Cytec facility
9 been in business?

10 A. This facility has been in business
11 approximately 53 years. It was originally owned
12 and constructed by American Cyanamid and,
13 through several business transactions, it is now
14 part of Cytec Industries.

15 Q. Today's proceeding is for the renewal
16 of Cytec's existing RCRA, or hazardous waste
17 permit; is that correct?

18 A. Yes.

19 Q. And what treatment, storage, disposal
20 units are covered by the proposed permit
21 renewal?

22 A. We have a container storage building,
23 ten storage tanks, eleven sand filters and four
24 filtration systems.

25 Q. The facility also has a permit from

1 the Department of Natural Resources for deepwell
2 injection, correct?

3 A. That is correct. We have five
4 injection wells.

5 Q. Now, I understand that there is a unit
6 called the Methyl Methacrylate, or commonly
7 referred to as the "MMA production unit". That
8 is a unit within Cytec Industries/Fortier
9 Complex that is owned by another facility called
10 CYRO. Can you tell us about the CYRO facility?

11 A. The MMA plant is -- is owned 100
12 percent by CYRO. It was originally -- well, not
13 originally. Originally, it was 100 percent
14 owned by American Cyanamid and 50 percent was
15 later sold to another company which formed the
16 CYRO joint venture. Degussa bought that company
17 and now Degussa has, since 2005, May 2005, has
18 become the sole owner of that unit.

19 Q. Okay, and the CYRO unit is located on
20 property that is owned by Cytec Industries; is
21 that correct?

22 A. It is. It's inside the fenced area,
23 controlled -- access controlled by Cytec
24 Industries.

25 Q. Does Cytec Industries perform any

1 waste management services for CYRO?

2 A. Yes. CYRO produces a waste acid
3 stream, a spent acid stream, which consists of
4 sulfuric acid and ammonium sulfate, which we
5 regenerate in our sulfuric acid unit and, when
6 that unit is out from time to time, there is
7 disposal of the spent acid in the deepwell
8 injection. Also, they generate waste polymers
9 and various other wastes, universal-type wastes
10 that are sent off-site for treatment or
11 disposal, which we handle for them.

12 Q. Okay. Now, the management of these
13 wastes from the CYRO facility is in conformance
14 with the existing Cytec RCRA permit, correct?

15 A. That is correct. All wastes are
16 managed according to the permit, in the same way
17 they were prior to the sale of the joint
18 venture.

19 Q. Okay. Let me go back. The CYRO
20 Industries, the complete interest in that, was
21 sold to Degussa in what year?

22 A. May of 2005.

23 Q. Is there a legal document between
24 Cytec and CYRO that provides for these waste
25 management services?

1 A. Yes. There is a services agreement to
2 ensure that both parties act in conformance with
3 the law and regulations.

4 Q. Now, similar to this situation with
5 CYRO, there is also, my understanding, a
6 acrylamide manufacturing facility that is
7 located within the Cytec/Fortier Plant that is
8 owned by a company called Kemira Water
9 Solutions. Can you tell us about the Kemira
10 facility.

11 A. Yes. The agreement with Kemira is
12 essentially the same as CYRO Industries. Cytec
13 formerly owned and operated the acrylamide
14 plant. It was sold in October 2006 to Kemira
15 Water Solutions. The plant is located on
16 property owned and controlled by Cytec
17 Industries.

18 Q. So that plant is within Cytec's
19 security fencing and all security has to go
20 through Cytec, correct?

21 A. That is correct.

22 Q. Does Cytec perform waste management
23 services for the Kemira facility, as well?

24 A. Yes. Both before and after the sale
25 of the acrylamide unit, waste management is --

1 is the same. Kemira generates wastewaters and
2 other liquid wastes that are handled by Cytec's
3 MET system, miscellaneous effluent treatment
4 system, and it's treated along with other
5 wastewater generated by Cytec. The treated
6 streams are injected into the deepwell system.

7 Also, they generate waste polymers and
8 various other universal wastes that we handle
9 for them.

10 Q. Okay. Is the management of these
11 wastes from Kemira in conformance with your
12 existing RCRA permit?

13 A. Yes. The wastes are managed in the
14 same way and under a similar services agreement.

15 Q. Did Cytec timely file application for
16 renewal of the RCRA permit?

17 A. Yes.

18 Q. And did Cytec receive confirmation
19 from DEQ that the permit renewal application was
20 complete?

21 A. Yes, we have.

22 Q. Did Cytec receive notices of
23 deficiency from the Department of Environmental
24 Quality?

25 A. Yes.

1 Q. And to the best of your knowledge, did
2 Cytec respond to all of those notices of
3 deficiency?

4 A. Yes.

5 Q. Has Cytec been informed by DEQ that
6 the technical review of the permit application
7 is complete and that they are ready to prepare a
8 draft permit?

9 A. Yes.

10 Q. DEQ has indicated in correspondence
11 that is part of the record that was introduced
12 in "Exhibit C", that Cytec is authorized to
13 accept and manage waste from the two -- the CYRO
14 unit and the Kemira unit under limited
15 commercial status and, by that, I mean, that
16 Cytec is not authorized to accept waste from any
17 facility outside the Cytec/Fortier complex, it
18 is only authorized to receive waste from those
19 two facilities; has Cytec agreed to that
20 condition that the Louisiana DEQ has proposed to
21 impose?

22 A. Yes. We accept the conditions. We
23 only want to continue to accept the waste that
24 we have been accepting and treating for many
25 years. We do not have any interest in accepting

1 waste from off-site, from other -- other
2 producers.

3 Q. Is renewal of this RCRA permit
4 necessary to the continued operation of Cytec's
5 Fortier facility?

6 A. Yes.

7 Q. To the best of your knowledge, is
8 there any reason why DEQ should not renew the
9 permit?

10 A. No. The permit is -- we believe is in
11 conformance with all applicable laws and
12 regulations.

13 MS. HARBOURT:

14 That's all that I have of this
15 witness.

16 MR. BINGHAM:

17 Any questions from DEQ?

18 MR. GLORIOSO:

19 I don't have anything, Your Honor.

20 MR. BINGHAM:

21 Any other witnesses?

22 MS. HARBOURT:

23 No, Your Honor.

24 MR. BINGHAM:

25 The State?

1 MR. GLORIOSO:

2 I don't have anyone, Your Honor.

3 MR. BINGHAM:

4 Anyone in the audience have anything?

5 (No response.)

6 MR. BINGHAM:

7 I'll ask again, is there any
8 interested person or intervener in the
9 audience?

10 (No response.)

11 MR. BINGHAM:

12 Let the record reflect, again, that I
13 had no response to my question and I would
14 ask that the sign-in sheet of this
15 proceeding be attached to the record as
16 "Presiding Officer Exhibit 1".

17 (The document was marked for
18 identification as "Presiding Officer Exhibit
19 1" and attached to the transcript.)

20 MR. BINGHAM:

21 If there is nothing further, I declare
22 this hearing adjourned at 10:20 in the
23 morning.

24 THE HEARING WAS CONCLUDED AT 10:20 A.M.

25 * * * * *

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R E P O R T E R ' S P A G E

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I, Lori B. Overland, Certified Court

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Reporter, in and for the State of Louisiana, the

5

officer, as defined in Rule 28 of the Federal

6

Rules of Civil Procedure and/or Article 1434(b)

7

of the Louisiana code of Civil Procedure, before

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whom this sworn testimony was taken, do hereby

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state on the Record

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That due to the interaction in the

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spontaneous discourse of this proceeding, dashes

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(--) have been used to indicate pauses, changes

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in thought, and/or talk overs; that same is the

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proper method for a Court Reporters's

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transcription of proceeding, and that the dashes

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(--) do not indicated that words or phrases have

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been left out of this transcript;

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That any words and/or names which could not

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be verified through reference material have been

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denoted with the phrase "(inaudible)."

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C.C.R.

Lori Overland,

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C E R T I F I C A T I O N

I, the undersigned reporter, do hereby
certify that the above and foregoing is a true
and correct transcription of the stenomask tape
of the proceedings had herein, taken down by me
and transcribed under my supervision, to the
best of my ability and understanding, at the
time and place hereinbefore noted, in the above
entitled cause.

I further certify that the witness was duly
sworn by me in my capacity as a Certified Court
Reporter pursuant to the provisions of R.S.
37:2551 et seq. in and for the state of
Louisiana; that I am not of counsel nor related
to any of the counsel of any of the parties, nor
in the employ of any of the parties, and that I
have no interest in the outcome of this action.

I further certify that my license is in good
standing as a court reporter in and for the
state of Louisiana.

Lori Overland, C.C.R.

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